

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Joshua Glenn Hopkins,)
)
Plaintiff,)
)
v.)
)
Lt. Luke Lark,)
)
Defendant.)
)

)

This matter is before the Court upon Plaintiff Joshua Glenn Hopkins' pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On February 5, 2018, Defendant Luke Lark filed a motion for summary judgment. The Magistrate Judge issued an order on February 6, 2018, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and instructing him to respond to Defendant's motion. Plaintiff failed to respond, so on March 23, 2018, the Magistrate Judge filed a second order giving Plaintiff until April 2, 2018, to respond to the motion. The order specifically advised Plaintiff that the action would be dismissed for failure to prosecute if he failed to respond. Despite this warning, Plaintiff failed to respond.

Accordingly, on April 9, 2018, the Magistrate Judge issued a report and recommendation (“Report”) outlining the issues and recommending that the Court dismiss this action without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

based on Plaintiff's failure to comply with the Court's orders and deadlines. Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that this case should be dismissed without prejudice based on Plaintiff's failure to respond to Defendant's motion and to comply with the Court's orders and deadlines.

Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 42) and dismisses this matter without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Bruce H. Hendricks

The Honorable Bruce Howe Hendricks
United States District Judge

May 8, 2018
Charleston, South Carolina